

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|---------------------------------|---|--------------------------------------|
| CECIL RAY FRYE, JR., |) | |
| |) | |
| Petitioner, |) | |
| vs. |) | Case No. 1:09-CV-2434-VEH-TMP |
| |) | |
| CONSTANCE REESE, Warden, |) | |
| FCI Talladega, Alabama, |) | |
| |) | |
| Respondent. |) | |

ORDER

On September 17, 2010, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2241 be denied and dismissed with prejudice. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is **ADOPTED**, and the recommendation is **ACCEPTED**. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2241 in the above-styled cause is due to be and the same is hereby **DENIED** and **DISMISSED WITH PREJUDICE**.

DONE and **ORDERED** this the 6th day of October, 2010.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge